

REMARKS

Claims 1 and 6 stand rejected under 35 U.S.C. § 103(a) for obviousness over Siira (US Patent Number 5,974,321) in view of Bender (US Patent Number 6,002,933). Moreover, Claims 2 to 5 and 7 to 10 stand rejected under 35 U.S.C. § 103(a) as being obviousness over Siira in view of Bender in view of Satarasinghe (US Patent Number 6,192,246).

Independent Claim 1

Claim 1 has been amended to clarify the distinctions over the known art, to more positively recite method steps, and to clarify wording, such as in claim 1 line 8.

The Examiner stated Siira does not teach "cells being selected dependent upon the associated delays." Similarly, to use the wording of amended claim 1, Siira does not teach "selecting cells based upon their associated estimated delays."

This feature of amended claim 1 is also not taught by Bender, which discloses selecting cells from their average frame reception rate and peak admission queue length, see Bender column 5 lines 52 to 65 and its Abstract. Such measures are not the same as "delays." These types of measures are instead measures of traffic load levels.

It is, of course, true that delays in signal transmissions depend on, amongst other factors, traffic load levels, and vice versa. However, traffic load levels and delays are different things. Accordingly, Applicants respectfully traverse the Examiner conclusion that "the traffic load level reads on delays depending on the amount of traffic" (emphasis added).

It follows that amended claim 1 includes at least one feature not taught nor suggested by Siira or Bender – namely, "selecting cells based upon their associated estimated delays." Accordingly, amended claim 1 is novel and non-obvious over the known art.

Independent Claim 6

Independent Claim 6 is an apparatus claim essentially corresponding to claim 1. Claim 6 is allowable for essentially the same reasons laid out hereinabove with respect of claim 1.

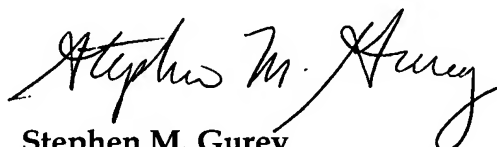
Dependent Claims

Dependent claims 2, 3, 4, 5 and 7, 8, 9 and 10 are allowable not least on the basis that they each depend on an allowable independent claim.

Conclusion

Applicants believe that a full and complete response has been made to the Examiner's Office Action. Thus, in view of the hereinabove remarks, Applicants respectfully request immediate reconsideration and allowance of their patent application and its claims. To that end, if the Examiner feels that a conference might expedite the prosecution of this case, the Examiner is cordially invited to call the undersigned.

Respectfully submitted,



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